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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Katsutoshi TAJIRI et al.

Appl. No: 09/939,730

Patent No.: 7,023,805

Confirmation No: 2698

Filed: August 28, 2001

Issued: April 4, 2006

For: COMMUNICATION CONNECTING
DEVICE CAPABLE OF RELIABLY
TRANSMITTING DATA TO AN IP
NETWORK AND A DATA
TRANSMISSION CONTROL
METHOD

Art Unit: 2663

Examiner: NGO, Nguyen Hoang

Atty. Docket No: 31762-174923

Customer No:

26694

PATENT TRADEMARK OFFICE

Request for Recalculation of Patent Term Adjustment under 35 U.S.C. § 1.705(d)

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

This Request for Recalculation of the Patent Term Adjustment (PTA) is being submitted in accordance with 37 C.F.R. § 1.705(d). The above-identified patent issued on April 4, 2006, indicating that the PTA is 851 days. The Applicant disagrees with this determination and believes the correct determination should be 894 days.

Please charge our deposit account number 22-0261 for the \$200 petition fee. It is not believed that any further fees are due, but in the event that such fees are necessary, the Office is authorized to charge our deposit account number 22-0261.

05/12/2006 MPEXCH2 00000073-220261 09939730
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Procedural History

To assist the Commissioner in understanding the procedural history, a copy of Office's PTA History for this case as obtained from the Office's Patent Application Information Retrieval (PAIR) system is attached.

Applicants filed an Amendment on July 6, 2005, the Remarks section including a request for acknowledgement of the Information Disclosure Statement filed August 2001. In response to the Amendment, Applicants received a Notice of Allowance mailed September 16, 2005, but the Notice of Allowance did not include acknowledgement of the Information Disclosure Statement. Therefore, Applicants filed a formal Request for Acknowledgment on December 1, 2005, along with payment of the Issue Fee. A copy of this Request is attached.

The Patent Term Adjustment History for the present case indicates that Applicants were charged a 43-day delay for an Information Disclosure Statement submitted on December 1, 2005. Applicants respectfully submit this is Office error. No Information Disclosure Statement was filed on December 1, 2005; in fact, Applicants' filed a Request for Acknowledgment of an Information Disclosure Statement. The Office is directed to the electronic file wrapper, which evidences that the December 1, 2005 filing entitled "Information Disclosure Statement" is indeed a Request for Acknowledgment. The imaged Request for Acknowledgement includes the Office's date-stamped receipt.

Applicants further submit that the December 1, 2005 filing cannot be considered a failure to engage in reasonable efforts to advance prosecution. Applicants initially requested acknowledgment of the Information Disclosure Statement in the Amendment filed on July 6, 2005, prior to the Notice of Allowance. The failure of the Examiner to make this

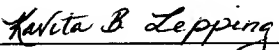
acknowledgment necessitated the Request filed on December 1, 2005.

Summary

Applicants respectfully submits that the reduction of PTA is due to an error in calculation by the Office. The Office erroneously deducted 43 days from the patent term. Applicants submit that they are entitled to a restoration of these 43 days, for a total patent term of 894 days. Thus, recalculation and correction of the PTA are respectfully requested.

Respectfully submitted,

Date: May 10, 2006



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MAS:KBL 749973



Printer Friendly
09/939,730

COMMUNICATIONS CONNECTING DEVICE CAPABLE OF RELIABLY TRANSMITTING DATA TO
AN IP NETWORK AND A DATA TRANSMISSION CONTROL METHOD

Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/939,730			
			Days
Filing or 371(c) Date:	08-28-2001	USPTO Delay (PTO):	894
Issue Date of Patent:	04-04-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	43
Post-Issue Petitions (days):	+0	Total PTA:	851
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
04-04-2006	Patent Issue Date Used in PTA Calculation	3	
03-15-2006	PTA 36 Months	↑	
03-03-2006	Dispatch to FDC	↑	
02-07-2006	Workflow - Query Request - Finish	↑	
01-12-2006	Mail Examiner's Amendment	↑	
01-09-2006	Examiner's Amendment Communication	↑	
01-03-2006	Pubs Case Remand to TC	↑	
12-29-2005	Workflow - Query Request - Begin	↑	
12-07-2005	Application Is Considered Ready for Issue	↑	
12-01-2005	Information Disclosure Statement considered	↑	
12-01-2005	Information Disclosure Statement (IDS) Filed	↑	43
12-01-2005	Issue Fee Payment Verified	↑	
12-01-2005	Issue Fee Payment Received	↑	
09-16-2005	Mail Notice of Allowance	↑	
09-16-2005	Mail Examiner's Amendment	↑	
09-15-2005	Notice of Allowance Data Verification Completed	↑	
09-15-2005	Case Docketed to Examiner in GAU	↑	
09-15-2005	Examiner's Amendment Communication	↑	
07-12-2005	Date Forwarded to Examiner	↑	
07-06-2005	Response after Non-Final Action	↑	
04-06-2005	Mail Non-Final Rejection	891	
04-04-2005	Non-Final Rejection	↑	
03-09-2005	Case Docketed to Examiner in GAU	↑	
01-26-2005	Case Docketed to Examiner in GAU	↑	
01-25-2005	Case Docketed to Examiner in GAU	↑	
09-13-2004	IFW TSS Processing by Tech Center Complete	↑	
01-06-2004	Information Disclosure Statement (IDS) Filed	↑	
03-11-2002	Case Docketed to Examiner in GAU	↑	
		↑	

*This is a request for
acknowledgment, NOT a
IDS*

12-14-2001	Case Docketed to Examiner in GAU		
11-28-2001	Application Dispatched from OIPE	↑	
11-27-2001	Application Is Now Complete	↑	
11-13-2001	Oath or Declaration Filed (Including Supplemental)	↑	
09-28-2001	Notice Mailed--Application Incomplete-- Filing Date Assigned	↑	
09-28-2001	Correspondence Address Change	↑	
09-27-2001	Correspondence Address Change	↑	
09-05-2001	IFW Scan & PACR Auto Security Review	↑	
08-28-2001	Information Disclosure Statement (IDS) Filed	↑	
08-28-2001	Request for Foreign Priority (Priority Papers May Be Included)	↑	
08-28-2001	Initial Exam Team nn	↑	

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P.O. Box 1450
Alexandria, Va. 22313-1450

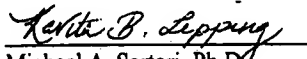
Sir:

In response to the Notice of Allowance mailed September 16, 2005, Applicants respectfully request acknowledgment of the Information Disclosure Statement filed August 28, 2001. Acknowledgment was initially requested in the Amendment filed July 6, 2005, but has not yet been received.

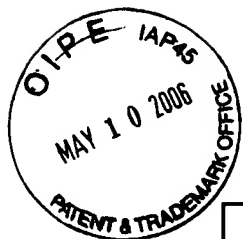
This paper is being concurrently filed with the Issue Fee Payment.

Respectfully submitted,

Date: December 1, 2005


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PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2006		Complete if Known	
		Application Number	09/939,730
		Filing Date	August 28, 2001
		First Named Inventor	Katsutoshi TAJIRI
		Examiner Name	Nguyen Hoang Ngo
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	2663
TOTAL AMOUNT OF PAYMENT		(\$)	200
		Attorney Docket No.	31762-174923

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>22-0261</u> Deposit Account Name: <u>Venable LLP</u>			
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments		

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	Fee (\$)	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
		Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100		
Design	200	100	100	50	130	65		
Plant	200	100	300	150	160	80		
Reissue	300	150	500	250	600	300		
Provisional	200	100	0	0	0	0		

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP	x	=		Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Request for Recalculation of PTA

\$200

SUBMITTED BY			
Signature	<i>Kavita B. Lepping</i>	Registration No. (Attorney/Agent)	54,262
Name (Print/Type)	Kavita B. Lepping	Telephone	(202) 344-4000
		Date	May 10, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.